
**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

STEVEN BROWN, *et al.*,

Plaintiffs,

v.

**THE BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES, *et al.*,**

Defendants.

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: Case No.:
: 1:22-cv-00080-TSK
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**JOINT MOTION TO STAY
REQUEST FOR ATTORNEY FEES AND COSTS**

The parties respectfully move this Court to stay Plaintiffs requirement, pursuant to Fed. R. Civ. P. 54(d), to file a request for attorney fees and costs, until after the appeal of this Court's final judgment. In support of this motion, the parties respectfully state as follows:

1. On December 1, 2023, the Court issued a final judgment with respect to the claims asserted by Plaintiffs Brown, Weekley, and West Virginia Citizens Defense League. ECF No. 41. On December 7, 2023, the Court issued an order staying its injunction pending appeal and clarifying the scope of the injunction. ECF No. 42. Pursuant to Fed. R. Civ. P. 54(d), Plaintiff is required to file a request for attorney fees and costs within fourteen days.
2. On December 8, 2023, Defendants filed a notice of appeal of this

Court's final judgment. ECF No. 46.

5. The parties believe that it would promote the efficient use of the Court's and the parties' resources to deal with the issue of attorney fees and costs after a final decision is entered by an appellate court.

6. Accordingly, the parties respectfully request that the Court stay the requirement that Plaintiffs submit a request for attorney fees and costs until 135 days after a final decision on the appeal is reached and the appropriate mandate has issued. In the event the parties are unable to amicably resolve Plaintiffs' request for attorney fees and cost, following the expiration of the 135-day period, Plaintiffs shall file a request for attorney fees and costs with respect to their claims. In that event, the Plaintiffs respectfully preserve all issues related to attorney fees and costs so that they may be presented to the Court for adjudication.

WHEREFORE, the parties respectfully request that the Court grant their joint motion to stay Plaintiffs' requirement to submit a request for attorney fees and costs. A proposed order is attached hereto.

Dated: December 8, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was filed electronically through the Northern District of West Virginia's Electronic Filing System. Notice of this filing will be sent by operation of the Court's Electronic Filing System to all registered users in this case.

Date: December 8, 2023

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